

## Message Text

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ACTION OES-05

INFO OCT-01 EA-10 ISO-00 FEA-01 AID-05 CEQ-01 CIAE-00

OFA-01 COME-00 DODE-00 EB-07 EPA-04 INR-07 IO-10 L-02

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P 230916Z APR 75

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 9646

UNCLAS TOKYO 5396

DEPT PASS TO COUNCIL ON ENVIRONMENTAL QUALITY AND  
ENVIRONMENTAL PROTECTION AGENCY

E.O. 11652: N/A

TAGS: SENV, JA, US

SUBJECT: US-JAPAN AGREEMENT ON ENVIRONMENTAL PROTECTION

REF: A) TOKYO 5185, B) STATE 276010 (12/17/74),  
C) STATE 261253 (11/27/74)

SUMMARY: FOLLOWING ARE EMBASSY COMMENTS ON LATEST GOJ DRAFT OF  
PROPOSED ENVIRONMENT AGREEMENT, TRANSMITTED IN REFTEL (A).  
END SUMMARY.

1. GREATEST DIFFERENCE BETWEEN LAST US VERSION (REFTELS B AND C)  
AND PRESENT GOJ DRAFT IS IN ARTICLE FIVE. GOJ HAS RETURNED TO  
ITS APPROACH OF REFERRING ONLY TO "THE RECOMMENDATIONS OF  
INTERNATIONAL ORGANIZATIONS," INSTEAD OF REFERRING EXPLICITLY TO  
THE OECD GUIDING PRINCIPLES CONCERNING INTERNATIONAL ECONOMIC  
ASPECTS OF ENVIRONMENTAL POLICIES (PPP). THEREFORE, GOJ HAS  
ALSO RETAINED ITS AGREED MINUTES.

2. EMBASSY COMMENT: IN ITS LAST APPROACH TO FONOFF, EMBASSY  
STRONGLY ADVOCATED THAT ARTICLE FIVE MENTION OECD GUIDING  
PRINCIPLES (PPP) BY NAME. BECAUSE OF FONOFF INDICATIONS THAT  
ITS TREATY BUREAU WAS OBJECTING TO LACK OF PRECEDENT FOR MENTION  
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IN A BILATERAL AGREEMENT OF PROVISIONS OF ANOTHER, MULTILATERAL

AGREEMENT, EMBASSY CITED EXAMPLE OF ARTICLE FIVE OF AGREEMENT FOR COOPERATION IN CIVIL USES OF ATOMIC ENERGY. IN THEIR REPLY, JAPANESE OFFICIALS STATED THAT GOJ DESIRE IS FOR BROAD POINT OF VIEW. THEY ALSO MADE POINT THAT THIS PRECEDENT DOES NOT HOLD BECAUSE RELATIONS IN FIELD OF ATOMIC ENERGY ARE ASYMMETRIC AND JAPAN MUST ACCEPT US TERMS, WHEREAS ENVIRONMENTAL AGREEMENT IS BEING REACHED ON GROUNDS OF EQUALITY. WHATEVER ITS REAL REASONS, GOJ HAS PROPOSED ONCE AGAIN THAT ARTICLE FIVE BE PHRASED IN GENERAL TERMS AND MENTION OF PPP BE CONFINED TO AGREED MINUTES. EMBASSY WOULD APPRECIATE DEPARTMENT'S COMMENTS ON GOJ PROPOSAL.

3. AGREED MINUTES: PHRASE QUOTE OR ANY GUIDING PRINCIPLE AMENDATORY OR SUPPLEMENTARY THERETO UNQUOTE HAS BEEN ADDED. THIS IS APPARENTLY AN ATTEMPT TO ALLOW FOR LATER AMENDMENTS TO OECD GUIDING PRINCIPLES. EMBASSY UNDERSTANDING IS, HOWEVER, THAT NOVEMBER 1974 RECOMMENDATION OF OECD COUNCIL, (OECD DOCUMENT C(74)223 ) DID NOT AMEND OR MODIFY GUIDING PRINCIPLES (PPP), BUT WAS RATHER BY WAY OF AMPLIFICATION OF EXCEPTIONS TO PPP WHICH WERE ALLOWED AND EXPECTED AT TIME OF ADOPTION OF PPP. ADDITION OF THIS PHRASE, THEREFORE, APPARENTLY IS ONLY TO ALLOW FOR FUTURE AMENDMENTS TO PPP.

4. ARTICLE TWO: GOJ AGREED TO SUBSTITUTE "AS A RULE" FOR "AT LEAST" BEFORE "ONCE A YEAR" TO DESCRIBE FREQUENCY OF MEETINGS OF JOINT PLANNING AND COORDINATION COMMITTEE. THIS SEEMS SUBSTANTIALLY TO MEET US DESIRE TO AVOID COMMITMENT TO ANNUAL MEETINGS, AND EMBASSY RECOMMENDS ITS ACCEPTANCE.

5. OTHER CHANGES PROPOSED IN APRIL 15 GOJ DRAFT ARE MINOR ALTERNATIONS OR EMENDATIONS OF THE TEXT, AS FOLLOWS:

- A) "THE RESPONSIBILITIES OF EACH GOVERNMENT" IN THE PREAMBLE.
- B) "PROTECTION" REPLACES "MAINTENANCE" IN PREAMBLE, IMMEDIATELY AFTER ABOVE CHANGE.
- C) "PROMOTE" REPLACES "ENHANCE" IN ARTICLE ONE.
- D) "IMPROVEMENT" REPLACES "ENHANCEMENT" IN TWO PLACES IN ARTICLE THREE.
- E) ADD "WHICH COMPRISE:" IN ARTICLE THREE, SECTION (A).

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- F) "OF" REPLACES "IN" IN ARTICLE EIGHT.

6. IN ADDITION, EMBASSY SUGGESTS DEPARTMENT CONSIDER FOLLOWING MINOR ALTERATIONS TO TEXT:

- A) ARTICLE THREE, SECTION (A): REPLACE "STUDY ON" WITH "STUDIES ON THE"
- B) ARTICLE NINE: CHANGE "PROJECT AND PROGRAM" TO "PROJECT"

OR PROGRAM"

C) AGREED MINUTES: IF US SIDE ACCEPTS GOJ AGREEDS MINUTES,  
CHANGE "UNDERSTANDING" TO "AGREEMENT" AND "UNDERSTOOD" TO  
"AGREED," IN ACCORDANCE WITH REFTEL (C), PARA EIGHT.

7. PLEASE ADVISE.  
HODGSON

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## Message Attributes

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